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the Tukabahchee chief said to Hitchcock: "When we order out the people to make a public fence, if they don't turn out, we send and take away their gun, or horse, or something else to punish them." [73]

Adair tells us that neglect of the regular morning plunge into running water was deemed a heinous crime and was punished by dry scratching. [73a]

Mention has been made above of the device resorted to by McGillivray in order to bring recalcitrant towns to order.

"When the inhabitants of any particular town are notorious for horse-stealing, or have acted otherwise unadvisedly, the chief has the entire power of punishing them collectively by removing the white man from among them, and depriving them of trade. This at once humbles them most effectually; for they conceive the privilege of having a good white trader in their town, to be inestimable." [73]

After the removal of the Indians to Oklahoma I am told that the following was the usual procedure in cases of theft. A council of the people or clans in the neighborhood was held and the matter was reported to the chief of the Creek Nation who then sent light-horsemen after the culprits, although sometimes he left the apprehension of them to the people living in the neighborhood. When these had been brought to trial and convicted they were usually lashed, and the lashing was by no means a light matter, according to those who have observed it, the blows raising huge welts on the flesh and death not infrequently ensuing. Debts of licensed traders were sometimes brought before the national council for adjudication. [74]

Escaped murderers and adulterers, and those who had committed lesser offenses and had withdrawn from their people to avoid the ridicule and contempt of their fellow townsmen, formed a class from which, says Bartram, generally came the ruffians who committed depredations and murders on the frontiers. [75] The foundation of new towns may sometimes be traced to them, as indeed is frankly admitted by members of those towns themselves. It is said that the town of Wiwohka had such an origin, and it is also claimed for others like Hilibi on less satisfactory grounds. In later times many such people swelled the population of the Florida Seminole.

Adair is the only writer to say anything about oaths used in adjuring a witness to give true evidence, and in this connection he does not mention the Creeks, only the Cherokee, Chickasaw, and Choctaw. The Chickasaw and Choctaw oath he gives as *Chiklooska ke-e-u Chua*, [76] which he interprets "Do not you lie? Do you not, of a certain

[73] Hitchcock, Ms. notes.

[73a] Adair, Hist. Am. Inds., p 130; see p. 366.

[74] Swan in Schoolcraft, Ind. Tribes, vol. v, pp. 281-282.

[75] Schoolcraft, Ind. Tribes, vol. i, p. 277.

[75] Bartram, Travels, p. 513.

[76] *Lushke* is a Chickasaw word meaning "to lie"; *chiklushke* signifies "you do not lie"; he-e-u (or heyu) is the negative. The form used here is a strengthened one.

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515 From Adair we have the usual intimate account of this practice: "However, they practice it (bathing) as a religious duty, unless in very hot weather, which they find by experience to be prejudicial to their health, when they observe the law of mercy, rather than that of sacrifice. In the coldest weather, and when the ground is covered with snow, against their bodily ease and pleasure, men and women turn out of their warm houses or stoves, reeking with sweat, singing their usual sacred notes, *Yo Yo*, etc., at the dawn of day . . . and thus they skip along, echoing praises, till they get to the river, when they instantaneously plunge into it. If the water is frozen, they break the ice with a religious impatience: After bathing, they return home, rejoicing as they run for having so well performed their religious duty, and thus purged away the impurities of the preceding day by ablution. The neglect of this bath hath been deemed so heinous a crime, that they have raked the legs and arms of the delinquent with snake's teeth, not allowing warm water to relax the stiffened skin.[91]

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He adds that the women were less rigid in the performance of this duty, "for they only purify themselves as their discretion directs them." [92] This is somewhat at variance with the information I myself received. Bossu says that the custom of making their children bathe and lie upon the hard ground was to accustom them to fatigue and to make the surfaces of their bodies generally as tough as the skin of their hands and feet.[93]

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721 554 Social advancement depended almost entirely upon success in war, for, while it is true that other abilities were recognized, such as oratory, wisdom in council, and stoicism under trial, yet unless the possessor of such a gift had been on a war expedition he would not ordinarily receive a title and must remain among the boys.

Swan says of the condition of those who had not yet performed an exploit in war:

"Young men remain in a kind of disgrace, and are obliged to light pipes, bring wood, and help cook black-drink for the warriors, and perform all the menial services of the public square, until they shall have performed some warlike exploit that may procure them a war-name, and a seat in the square at the black-drink. This stimulates them to push abroad, and at all hazards obtain a scalp, or as they term it, bring in hair." [94]

703 554 Nevertheless, the Creeks had reached that point where other things than war honors did count, even though only the exceptional youth usually had his attention turned in their direction.

In the first place war names were sometimes granted for other than war-like feats. Adair tells us that they were bestowed upon

[91] Adair, Hist. Am. Inds., p. 130.
[92] Ibid., p. 131.
[93] Bossu, Nouv. Voy., vol. II, p. 25.
[94] Swan in Schoolcraft, Ind. Tribes, vol. V, p. 280; cf. p. 434.